

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 23, 1996
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:07 a.m. The meeting was recessed by Mayor Golding at 10:20 a.m. to convene the Housing Authority. The meeting was reconvened by Mayor Golding at 10:22 a.m. with Council Member Warden not present. The meeting was recessed by Mayor Golding at 12:16 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:09 p.m. with Council Member Warden and Council Member Stallings not present. Mayor Golding adjourned the meeting at 5:16 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-excused by
R-287296 (no reason given)
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (ms/pr)

FILE LOCATION: MINUTES

Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, April 23, 1996

Page 2

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-108:

SUBJECT: Appointing the Management Team for Purposes of Meeting
and Conferring with Employee Organizations.

(See City Attorney Report dated 4/1/96.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1011 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-287243

Appointing and designating the following persons as the
Management Team for purposes of meeting and conferring

with recognized employee organizations:

Jack McGrory, City Manager
Bruce Herring, Deputy City Manager
Cathy Lexin, Labor Relations Manager
Bill R. Lopez, Management Assistant
Agnes Generoso, Management Assistant
John M. Kaheny, Assistant City Attorney
Sharon A. Marshall, Deputy City Attorney

Appointing the Personnel Director and the Retirement Administrator as members of the Management Team, pursuant to the Meyers-Miliias-Brown Act and Council Policy 300-6, for all purposes except meeting and conferring with employee organizations.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the provisions of the California Government Code 3500 et seq., commonly referred to as the Meyers-Miliias-Brown Act (MMBA), the City Council has adopted Council Policy 300-6 which provides the rules and regulations which govern employer-employee relations. Contained in MMBA and Council Policy 300-6 is the authority for the City Council to designate a Management Team as its representative to carry out the meet and confer process. It is recommended that this resolution be adopted which establishes and identifies the Management Team for purposes of meeting and conferring with employee organizations in order to reach agreement on a Memorandum of Understanding (MOU) and/or successor agreements pursuant to Council Policy 300-6.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H133-154.)

MOTION BY STEVENS TO ADOPT THE RESOLUTION AS AMENDED TO REMOVE THE RETIREMENT ADMINISTRATOR FROM THE MANAGEMENT TEAM, HOWEVER, CONTINUE TO USE THE RETIREMENT ADMINISTRATOR AS AN ADVISOR UNTIL FURTHER DISCUSSION WITH THE RETIREMENT BOARD. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Community Development Block Grant and Social Service Programs.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1155) ADOPTED AS AMENDED AS RESOLUTION R-287238

Approving the projects to be included in the City's 1997 Community Development Block Grant Action Plan; Approving funding allocations for FY'97 social service projects, including those funded by Emergency Shelter Grant (ESG) program monies; Authorizing the submittal of the Community Development Block Grant Action Plan, including all associated certifications, to the U.S. Department of Housing and Urban Development and upon acceptance, execute a grant agreement for 1996 Community Development Block Grant funds; Authorizing the City Manager to prepare proposed agreements to implement the proposals.

CITY MANAGER SUPPORTING INFORMATION:

On April 9, 1996, the Council conducted a public hearing to receive testimony on projects proposed for funding from the FY 97 CDBG and social service programs (including those projects eligible to receive Emergency Shelter Grant (ESG) funds. Today's action will determine which projects will be funded.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-141.)

MOTION BY KEHOE TO ADOPT THE RESOLUTION WITH ALTERNATIVE 1 CITY-WIDE AND SOCIAL SERVICE ALLOCATIONS AS STATED IN MAYOR GOLDING'S MEMORANDUM TO THE COUNCIL MEMBERS DATED APRIL 22, 1996, AND THE DISTRICT ALLOCATIONS AS SUBMITTED BY EACH COUNCIL MEMBER. ACCEPT AMENDMENT BY McCARTY TO ELIMINATE THE \$20,000 FOR UNITED WAY. ACCEPT AMENDMENT BY MATHIS TO MOVE \$30,000 IN DISTRICT ONE CDBG FUNDS FROM THE CURRENT YEAR NOW ALLOCATED FOR A FIRST-TIME HOME BUYER PROGRAM AND REPROGRAM TO THE HOUSING COMMISSION FOR HOUSING REHABILITATION. ACCEPT AMENDMENT BY VARGAS TO MOVE THE

\$20,000 ELIMINATED FROM UNITED WAY TO THE SAN YSIDRO SCHOOL DISTRICT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Multiple Species Conservation Program (MSCP): Policies Leading to Completion of the MSCP Plan, Subarea Plan and Accompanying Documents.

(City-wide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-1212 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-287244

Accept the MSCP policy positions 1 through 17 as set forth in Attachment 1 to City Manager Report CMR-P96-101 for use in preparing the MSCP Plan, Subarea Plan and accompanying documents.

Subitem-B: (R-96-1213) ADOPTED AS AMENDED AS RESOLUTION
R-287242

Direct the City Manager to finalize the MSCP Plan, City of San Diego Subarea Plan, Environmental Impact Report/Statement and the following accompanying documents:

- a. Necessary amendments to the Progress Guide and General Plan (Open Space, Conservation, and Land Use Elements);
- b. Necessary amendments to community plans (Carmel Valley, Rancho Penasquitos, North City Future Urbanizing Area, East Elliott, Otay Mesa-Nestor, Tijuana River Valley, and Otay Mesa);
- c. Necessary amendments to the Local Coastal Plan;
- d. City of San Diego Implementing Agreement;
- e. City of San Diego Cornerstone Lands Agreement;

- f. Necessary Implementing Regulations to be approved as part of the Zoning Code Update; and
- g. Supporting documentation to submit permit applications to the Wildlife Agencies.

SUPPORTING INFORMATION:

Listed below are the MSCP Policy Positions 1-17 as set forth in Attachment 1 to the City Manager's Report:

- 1. Future Listings of Species
- 2. Standards - Covered Species List
- 3. Assurances to Private Landowners
- 4. Changed Circumstances
- 5. Phased Implementation
- 6. Process of MSCP Plan Adoption
- 7. Severability After Adoption of MSCP
- 8. Local Funding
- 9. Federal and State Funding
- 9.1. Assumptions for the Financing Analysis
- 10. Relation to Developer Contributions
- 11. Amount of Development Contributions
- 11.1. City of San Diego Wetlands Definition
- 12. Process and Review Procedures
- 13. Methods of Preservation
- 14. Buffers/"A Line is a Line"
- 15. Management and Maintenance Responsibilities
- 16. Monitoring of Acres and Species
- 17. Institutional Structure

This action would approve program policies leading to the completion of the Multiple Species Conservation Program, Subarea Plan and accompanying documents. The Request for Council Action does not have equal opportunity employment requirements nor does it contain equal opportunity contract language for Equal Opportunity Contracting Program (EOCP) review. No evaluation is necessary.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A152-C582; D010-H130.)

Hearing began at 10:22 a.m. and recessed at 12:16 p.m.

Council Member Stallings left at 12:01 p.m.

Testimony in favor by Michael Spear, Douglas Wheeler, Howard Goldfeder, Michael Hager, Mike Madigan, Ian Gill, Chris Chambers, Paul Tryon, Dennis Moser, Craig Benedetto, Laurie McKinley, Gail McLeod, Rikki Alberson, James Whalen, Lori Saldana, Cindy Burrascene, Michael Beck, Bertha McKinley, Mike Kelly, Norma Sullivan, Sylvia Hampton, Jan Fuchs, Oliver Ryder, David Goodell, Allison Rolfe, Rebecca Michael, Liz Higgins, J. R. Chantengco, Matt Giacalone, Caryl Iseman.

Hearing resumed at 2:10 p.m. and halted at 5:14 p.m.

Council Member McCarty arrived at 2:15 p.m.

Testimony in favor by Don Silver, Craig Adams, Jim Peugh, Lee Harvey, Linda Michael, Chris Morrow, J. Spencer Lake, and Scott Barnett.

Testimony in opposition by John Pavin, Jo Ann Farkas, Carolyn Powers, Deyan Petakovich, Mary Mogavero, James Rostvet, Jack Gibson, Arthur Schmitz, Mischa Dobrotin, Judy Fowler, Eric Anderson, Dave Owen, Geo W. Armstrong, Juanita Harwood, Darrell Beck, John Elliott, Darlene Shanks, Udo Wald, John Hilsabeck, Ginger Perkins, Elizabeth Meyer, Jeanette McGarvie, Al Tarvyd, Frank Konyn, Claire Brey, Sandra Osborn, Lloyd Osborn, Diane Ewing, John Gibson, Mike Connerley, Kim Campbell, Ken Barnard, Ted Griswald, Charles Mathews, Fred Schnaubelt, Barbara Nevara, Mr. Presentium, Ann DeBevoise, John DeBevoise, Laura O'Quinn, Beaman Crest, John Allen, and Don Wall.

MOTION BY McCARTY TO ADOPT THE RESOLUTIONS AS AMENDED TO:
1) APPROVE THE MANAGER'S RECOMMENDATION ON POLICY ISSUES 2, 6, 7, 10, 12, 13, 15.1, 16 AND 17 (STANDARDS - COVERED SPECIES LIST WITH THE ADDITION OF THE FELT-LEAVED MONARDELLAS AS A COVERED SPECIES, PROCESS OF PLAN ADOPTION, SEVERABILITY AFTER ADOPTION OF MSCP, RELATION TO DEVELOPER CONTRIBUTION, PROCESS AND REVIEW PROCEDURES, METHODS OF PRESERVATION, THE NEW PREDATOR TRAPPING LANGUAGE, MONITORING OF ACRES AND SPECIES AND INSTITUTIONAL STRUCTURE; 2) INCORPORATE THE MAYOR'S PROPOSED MODIFIED LANGUAGE FOR POLICY ISSUES 1, 3, 4, 5, 8, 9, 9.1, 11, 14 AND 15 (FUTURE LISTING OF SPECIES, ASSURANCES TO PRIVATE LANDOWNERS, CHANGED CIRCUMSTANCES, PHASED IMPLEMENTATION, LOCAL FUNDING, FEDERAL AND STATE FUNDING, ASSUMPTIONS FOR FINANCING ANALYSIS, AMOUNT OF DEVELOPER CONTRIBUTION, BUFFERS/"A LINE IS A LINE," AND MANAGEMENT AND MAINTENANCE RESPONSIBILITY);

3) APPROVE MY PROPOSED WETLANDS DEFINITION PLUS THE MAYOR'S ADDITIONAL LANGUAGE FOR POLICY 11.1; 4) APPROVE THE MANAGER'S RECOMMENDATION FOR 11.e WHICH STATES "THE AREAS REMAINING IN AGRICULTURE SHALL RETAIN AGRICULTURAL ZONING," REFER AGRICULTURAL QUESTIONS TO STAFF TO COME BACK TO LAND USE AND HOUSING COMMITTEE FOR DISCUSSION; 5) ADOPT THE MISCELLANEOUS POLICY ISSUES AS IDENTIFIED IN THE MAYOR'S MEMO INCLUDING LANGUAGE ON APPROVED PROJECTS, PLAN IMPLEMENTATION MONITORING AND AUDITING, AND PERMIT SUSPENSION/REVOCATION; 6) APPROVE THE MAYOR'S PROPOSAL FOR MITIGATION RATIOS; 7) INCORPORATE INTO THE IMPLEMENTING AGREEMENT THE CITY'S ABILITY TO TERMINATE THE MSCP UPON THE CITY COUNCIL MAKING A FINDING THAT CONTINUED PARTICIPATION IN THE MSCP IS NO LONGER FEASIBLE OR IN THE EVENT THERE IS A MATERIAL CHANGE IN STATE OR FEDERAL LAW, AS ADOPTED IN A 5-0 VOTE AT THE NR&C COMMITTEE. DIRECT STAFF THAT CERTAIN CONDITIONS MUST BE MET; 8) DIRECT STAFF TO WORK WITH THE RESOURCE AGENCIES TO DEVELOP A PROCESS BY WHICH CHAMISE CHAPARRAL AND NON-NATIVE GRASSLANDS WILL BE ADDED TO THE SIGNIFICANTLY CONSERVED HABITATS LIST WHEN CERTAIN THRESHOLDS ARE ATTAINED; 9) CLARIFY THAT NO ADDITIONAL FEES WILL BE CHARGED TO LANDOWNERS FOR BIOLOGICAL MONITORING; THAT IT IS THE JOINT RESPONSIBILITY OF THE CITY AND THE WILDLIFE AGENCIES TO PERFORM BIOLOGICAL MONITORING FOR ALL LANDS WITHIN THE CITY'S BOUNDARIES; 10) THE CITY'S INTENTION IS TO DESIGN A PROCESS TO ENSURE EQUITABLE CONSIDERATION OF INDIVIDUAL PARTICIPATING LANDOWNERS' NEEDS. STAFF WILL UNDERTAKE AN ANALYSIS OF THE IMPACTS OF THE MSCP ON LANDOWNERS WITHIN THE MHPA, AND MAKE RECOMMENDATIONS TO ADDRESS INEQUITIES THAT MIGHT EXIST WITHIN 45 DAYS; AND 11) DIRECT STAFF TO MODIFY AND REISSUE MANAGER'S REPORT P96-101 INCLUDING THE CHART TO REFLECT THE LANGUAGE ADOPTED BY COUNCIL SO THAT THERE IS ONE DOCUMENT DESCRIBING THE MSCP POLICY DIRECTIONS. DIRECT STAFF TO FINALIZE THE MSCP PLAN, CITY OF SAN DIEGO SUBAREA PLAN, ENVIRONMENTAL REPORT/STATEMENT (EQD93-0287) AND THE FOLLOWING ACCOMPANYING DOCUMENTS:

AMENDMENTS TO THE PROGRESS GUIDE AND GENERAL PLAN (OPEN SPACE, CONSERVATION AND LAND USE ELEMENTS);

- A. AMENDMENTS TO COMMUNITY PLANS (CARMEL VALLEY, RANCHO PENASQUITOS, NORTH CITY FUTURE URBANIZING AREA, EAST ELLIOTT, OTAY MESA-NESTOR, TIJUANA RIVER VALLEY, AND OTAY MESA);
- B. AMENDMENTS TO THE LOCAL COASTAL PLAN;
- C. CITY OF SAN DIEGO IMPLEMENTING AGREEMENT;

- D. CITY OF SAN DIEGO CORNERSTONE LANDS AGREEMENT;
- E. IMPLEMENTING REGULATIONS (AS PART OF THE ZONING CODE UPDATE); AND
- F. PREPARE SUPPORTING DOCUMENTATION TO SUBMIT PERMIT APPLICATIONS TO THE WILDLIFE AGENCIES.

Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Conflict of Interest Code for the San Diego Housing Commission.

(See San Diego Housing Commission Report HCR-96-046.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1162) ADOPTED AS RESOLUTION R-287239

Amending the Conflict of Interest Code for the City of San Diego's Housing Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A143-147.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Housing Opportunities for Persons with AIDS Program Agreement.

(See Housing Commission Report HCR-96-045.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1190) ADOPTED AS RESOLUTION R-287240

Confirming the Delegation of Administration of the Housing Opportunities for persons with AIDS Program (HOPWA) to the San Diego Housing Commission and authorizing the Commission to directly request and receive HOPWA Funds from the U. S. Department of Housing and Urban Development (HUD).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A143-147.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-96-1305) ADOPTED AS RESOLUTION R-287241

A Resolution adopted by the City Council in Closed Session on April 23, 1996:

Authorizing the City Manager to pay the sum of fifty thousand dollars (\$50,000.00) in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case Number 682452-1, San Diego Metropolitan Transit Development Board v. Club River Run U.S. General Partnership, et al.; authorizing the City Auditor and Comptroller to issue one check in the amount of fifty thousand dollars, made payable to Club River Run U.S. General Partnership and Steven S. Wall, their attorney of record, as full settlement of all claims.

Aud. Cert. 9601130

FILE LOCATION: MEET

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, April 23, 1996**

Page 11

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:16 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H-155.)